

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARMIS ARRENDONDO,

Plaintiff,

v.

D.W. NEVEN, *et al.*,

Defendants.

Case No. 2:09-CV-02158-KJD-VCF

ORDER

On March 20, 2012, the Court granted Defendants' motion to dismiss (#23) and motions for summary judgment (#25/49). Currently, the only remaining defendants are individuals who have not been served with the summons and complaint. On October 25, 2011, the magistrate judge granted (#52) Plaintiff's motion for service by the U.S. Marshal's Service. The State of Nevada Attorney General's Office ("the AG") had identified several defendants – Nielson, Robinson, Saavaneras, Atkin St. Rose Lavonne, Graham, and Shaulis – whom it could not accept service for because they were no longer employed by the State of Nevada. However, the AG did identify (#22) the last known address of those defendants. Copies of the amended complaint were forwarded to the U.S. Marshal's Service with appropriate summonses which contained the last known address of the defendants. However, despite the Court's order, Plaintiff apparently sent USM form 285 to the Marshal's Service for service on the identified defendants containing only the address at High Desert

1 State Prison (#60/61/62/63/64). Plaintiff did this despite knowing that the AG had admitted that the
2 defendants no longer worked there. Plaintiff has never returned the executed summons which
3 contained the last known addresses.

4 Furthermore, a different set of defendants were identified in documents attached to the
5 motions for summary judgment and Plaintiff moved to have these defendants – Officers Smith,
6 Werlinger, Harrison, Mahon, Engstrom, and Barth – also served by the Marshal’s Service. The
7 magistrate judge granted (#52) that request and ordered that the Clerk of the Court copy the amended
8 complaint to be forwarded to the U.S. Marshal’s Service to be served on the AG. However, Plaintiff
9 has never returned the executed summons demonstrating service was effected. Furthermore,
10 Plaintiff’s identical claims against other defendants have been dismissed. See Order, Doc. No. 65.

11 Therefore, Plaintiff is ordered to file proof of service of the summons and complaint on the
12 remaining defendants no later than July 2, 2012. Failure to do so will result in his complaint against
13 the remaining defendants being dismissed. Furthermore, to the extent that any remaining defendants
14 were served with the summons and complaint, Plaintiff is ordered to show cause no later than July 2,
15 2012 why the claims should not be dismissed against those defendants in accordance with the
16 Court’s prior Order (#65).

17 **IT IS SO ORDERED.**

18 DATED this 13TH day of June 2012.

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23 Kent J. Dawson
24 United States District Judge
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